

REMARK

Applicant respectfully requests reconsideration of this application as amended. Claims 1-27 remain in the application. Claims 1, 3-6, 9, 15, 20, 22 and 24 have been amended. No claims have been added or canceled.

Rejections under 35 U.S.C. § 102(e)

Applicant's claims 1-27 have been rejected under 102(e) as being anticipated over Edlund, U.S. Patent 6,546,388. Applicant does not admit that Edlund is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the invention as claimed in claims 1-27 is not described or suggested by Edlund.

Edlund discloses ranking search results based on click popularity and document recency (Edlund, Figure 4, Label 0405). Click popularity ranks a search result based on the number accesses (i.e. clicks) of a piece of information (Edlund, Col. 3, lines 46-48). That is, a search system using click popularity ranks higher a more accessed piece of information than a less accessed piece of information. In addition, there is no disclosure in Edlund that weighs a recent click more heavily than an older click. On the other hand, document recency tracks the age and update frequency of the piece of information (Edlund, Col. 3, lines 48-49). Thus, the search system ranks a newer piece of information (or one with a more recent update) higher than a piece of information that is older or has an older update.

However, Edlund does not teach or suggest "creating a relevancy score ... based on inflation factors ... wherein the inflation factors weigh newer previous uses more heavily than older previous uses." as claimed in claim 1 (amended).

Claim 3, as amended, states "A method of returning results from a search of a collection of information consisting of ranking the results based on an enhanced popularity score, wherein the enhanced popularity score weighs more heavily a newer use of information than an older use of information."

In addition, claim 6, as amended, requires "A database containing indexed information further containing an enhanced popularity score related to information

contained in the database, wherein the enhanced popularity score weighs more heavily a newer use of information than an older use of information.”.

Furthermore, claim 9, as amended, claim, “applying a time decay rate to said use history to create said enhanced popularity score, wherein the time decay rate produces a value greater for a newer use of information than an older use of information”.

Claim 15, as amended, requires, “tracking the use history of said information; generating at least two hypothetical enhanced popularity scores based on said use history and said high and low use time decay rates, wherein the time decay rates produce a value greater for a newer use of information than an older use of information”.

Claim 20, as amended, cites, “reviewing the time and date code at the tracking website to determine whether to account for the website call in an enhanced population score, wherein the enhanced popularity score weighs more heavily a newer use of information than an older use of information”.

Claim 22, as amended, cites, “code to determine whether to track the use of a selected website for an enhanced popularity score based on the amount of time that has elapsed since said time and date code was generated, wherein the enhanced popularity score weighs more heavily a newer use of information than an older use of information.”

The above quoted limitations are not described or suggested by Edlund. For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims are allowable for at least the reason that they are dependent on an allowable independent claim.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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